

PHILLIP H. BAER, ESQUIRE
Phillip H. Baer, Ltd.
Identification No. 03745
19th Floor, 1515 Market Street
Philadelphia, Penna. 19102
PHONE: 215-557-9000

Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RACHEL M. WHITE : CIVIL ACTION
vs. :
DAVID W. HAMEN : NO. 02-CV-3654
- and - :
DISCOUNT CAR & TRUCK :
RENTALS, LTD. :
:

ALTERNATE ORDER NO. 1

____AND NOW, this ____ day of _____, 2002, upon consideration of the within
pleading, it is ORDERED and DECREED that Defendants, DAVID W. HAMEN and
DISCOUNT CAR & TRUCK RENTALS, LTD.'s Petition for Leave to file an Amended
Notice of Removal is hereby DENIED.

BY THE COURT:

J.

PHILLIP H. BAER, ESQUIRE
Phillip H. Baer, Ltd.
Identification No. 03745
19th Floor, 1515 Market Street
Philadelphia, Penna. 19102
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Counsel for Plaintiff

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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vs. :
DAVID W. HAMEN : NO. 02-CV-3654
- and - :
DISCOUNT CAR & TRUCK :
RENTALS, LTD. :
:

ALTERNATE ORDER NO. 2

AND NOW, this _____ day of _____, 2002, upon consideration of the within pleading, it is **ORDERED** and **DECREED** that the Order of this Court dated June 14, 2002, denying Plaintiff's Motion to Remand on the basis that it was moot is hereby **VACATED**.

IT IS FURTHER ORDERED that defendants, DAVID W. HAMEN and DISCOUNT CAR & TRUCK RENTALS, LTD., having failed to prove the amount in controversy requirements, Plaintiff's Motion to Remand is hereby **GRANTED**.

BY THE COURT:

J.

PHILLIP H. BAER, ESQUIRE
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:

**PLAINTIFF'S ANSWER TO DEFENDANTS' PETITION
FOR LEAVE TO FILE AN AMENDED NOTICE OF REMOVAL**

An amendment of a removal petition after the deadline has passed is subject to restrictive standards under which removal is limited to instances involving only minor technical corrections. The Camacho case is not applicable, since it involved merely an attempt by defendant to more specifically allege plaintiff's citizenship. As the Court stated:

"Defendants now seek only to allege more specifically the plaintiff's citizenship, not to set forth a ground for federal jurisdiction that was missing in the original petition."
(Emphasis added.)

In the case at bar, however, the defendants allegation that it has "**a principal place of business located at 720 Arrow Road, North York, Ontario, Canada**", (emphasis added), is

not a technical defect, but rather goes to the heart and substance of jurisdiction.

However, if this Court finds otherwise, it is respectfully requested that the Court's Order of June 14, 2002, denying as moot Plaintiff's Motion to Remand be vacated, and that said Motion be granted for the failure of defendants to prove the amount in controversy requirement.

WHEREFORE, plaintiff respectfully requests this Honorable Court enter an Order in the form attached hereto.

PHILLIP H. BAER, LTD.

BY: _____
PHILLIP H. BAER, ESQUIRE
Counsel for Plaintiff

PHILLIP H. BAER, ESQUIRE
Phillip H. Baer, Ltd.
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Counsel for Plaintiff

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RENTALS, LTD. :
:

MEMORANDUM OF LAW

____ No citation of authority is necessary.

Respectfully submitted,

PHILLIP H. BAER, LTD.

BY: _____
PHILLIP H. BAER, ESQUIRE
Counsel for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF PHILADELPHIA :

PHILLIP H. BAER, ESQUIRE, being duly sworn according to law, deposes and says that he is counsel for the plaintiff in the within action; that as such he is authorized to make this affidavit; and that the facts set forth in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

PHILLIP H. BAER, ESQUIRE

SWORN TO and SUBSCRIBED

before me this _____ day

of _____, 2002.

NOTARY PUBLIC

PHILLIP H. BAER, ESQUIRE
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Counsel for Plaintiff

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RACHEL M. WHITE : CIVIL ACTION

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- and -

DISCOUNT CAR & TRUCK :
RENTALS, LTD.

CERTIFICATE OF SERVICE

PHILLIP H. BAER, ESQUIRE, hereby certifies that he is counsel for plaintiff in the above action and that on June 18, 2002, he furnished counsel for defendants with a copy of the within Plaintiff's Answer to Defendants' petition for Leave to File an Amended Notice of Removal by first-class mail at the following address:

Thomas A. Kuzmick, Esquire
Rawle and Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, Penna. 19107

PHILLIP H. BAER, LTD.

BY: _____
PHILLIP H. BAER, ESQUIRE
Counsel for Plaintiff

